

WISCONSIN STATE REPRESENTATIVE 27TH ASSEMBLY DISTRICT

ASAI-ABYGI

February 25, 1998

TO: Members,

Assembly Committee on Consumer Affairs

FROM: Representative Clifford Otte, Chair & U.

Assembly Committee on Consumer Affairs

RE: Executive Session - February 26, 1998

Please bring the attached document, LRBs0281/4, to the executive session tomorrow. Thank you.

WISCONSIN INSURANCE ALLIANCE

44 EAST MIFFLIN STREET • SUITE 205 MADISON, WISCONSIN 53703-2800 (608) 255-1749 FAX (608) 255-2178

Memorandum

Eric Englund President

Jack Bast
Chairperson
Badger Mutual Insurance
Mark Afable
Vice-Chairperson
American Family Insurance
Charles Stern
Secretary/Treasurer
Wisconsin Mutual Insurance

Members:

American Family Insurance American Standard Insurance **Badger Mutual Insurance** Baraboo Mutual Fire Insurance Capitol Indemnity Corporation Church Mutual Insurance **CUNA Mutual Insurance Group** Dairyland Insurance 1st Auto & Casualty General Casualty Insurance Germantown Mutual Insurance GRE Insurance Group Heritage Insurance IDS Property Casualty Insurance Integrity Mutual Insurance Jewelers Mutual Insurance Manitowoc Cty. Mutual Insurance Maple Valley Mutual Insurance Milwaukee Insurance Group Northwestern National Casualty Old Republic Surety Company Partners Mutual Insurance Company Progressive Northern Ins. Cos. Retail Lumbermens Mutual Insurance Rural Mutual Insurance Company Secura Insurance Sentry Insurance Sheboygan Falls Insurance Society Insurance United Wisconsin Insurance Viking Insurance Company Waukesha Co. Mutual Insurance Wausau Insurance Companies WEA Insurance Group West Bend Mutual Insurance Wilson Mutual Insurance Wisconsin American Mutual Wisconsin Assoc. of Mutual Ins. Cos. Wisconsin Mutual Insurance

Associate Members:

AAA/Michigan/Wisconsin Allstate Insurance Farmers Insurance Liberty Mutual Rockford Mutual Ins. Co. State Auto Ins. Cos. State Farm Insurance USF&G Insurance TO: Members of the Wisconsin Assembly

DATE: March 20, 1998

FROM: American Family - Owen Schwerdtfeger

Sentry Insurance - Lee Fanshaw State Farm Insurance - Chet Gerlach Wausau Insurance - Andy Franken

Wisconsin Insurance Alliance - Eric Englund

RE: Granting a Monopoly to Auto Manufacturers - SB 225/AB 416

For the sake of Wisconsin consumers, please vote against this legislation. Under the guise of "consumer choice" this bill grants auto manufacturers a three-year monopoly on the sale of replacement exterior crash parts. Passage of this bill effectively legislates out of business an industry that has been forcing General Motors, Ford and Chrysler to offer competitive prices for automobile repair parts.

The auto manufacturers have spent millions of dollars in an attempt to discredit the use of replacement parts manufactured by their competitors. This bill was their victory. This bill gives those manufacturers a monopoly and allows them to overcharge for their parts. For example, from 1983 to 1989, fender prices for the Chevrolet Chevette and the Honda Accord dropped 44% and 38% respectively due to competition in the marketplace. During this same period, front door prices for the same two models, not subject to competition, rose 30% and 45% respectively. Wisconsin law grants consumers the right to know when their cars are being repaired with aftermarket parts. This bill goes the next step and destroys a free and responsible marketplace and replaces it with a monopoly.

The insurance industry does not stand alone in opposing this legislation. The Consumer Federation of America and Consumers Union have gone on record supporting the use of aftermarket competitive repair parts.

What's this bill really all about? It's about a monopoly for the auto manufacturers and extra profits for their local agents. The May-June 1997 issue of Wisconsin Auto Body News says it best:

"Reduced cost of aftermarket parts means less profits to shops on marking up parts."

"Unfortunately, those consumer benefits (referring to reduced costs) have come from the shop owners pockets which is why eight other states have adopted legislation that gives the motorist the right to reject non-OEM parts."

Vote for competition and quality. Vote for consumers rights to protection against the monopoly. Vote against these bills.

"Imitation parts are inferior, and they don't restore your car to the condition it was in before the accident," said Morris Ratner, a partner at Leiff, Cabraser, Heimann & Bernstein, a San Francisco firm also representing policyholders.

After a repair by an insurer, a car's parts "should be identical to what was in your car before." State Farm ordered the use of inferior parts, diminishing car values, he said.

The suit also asks the court to force State Farm to end the practice altogether.

Charges date to at least 10 years and cover policyholders in 48 states. Arkansas and Tennessee policyholders are excluded, as are Illinois policyholders who got coverage after April 16, 1994, and California customers whose policies were acquired before Sept. 26, 1996. Those exclusions were made because of other suits against the insurer that already have been settled, lawyers said.

State Farm said it only uses parts of equal quality in a belt-tightening attempt that benefits its customers, too. "It's an appropriate practice that helps us, and that helps our policyholders, save money on quality parts," spokesman Steve Witmer said. "We've got a strong case."

The insurer uses parts approved by the Certified Automotive Parts Association, an organization that State Farm helped to set up 10 years ago, Witmer said.

State Farm is a mutual insurance company owned by its policyholders.

Case alleges inferior items ordered in repairs

MARION, Ill. (Bloomberg)—State Farm Mutual Automobile Insurance Co. must go to court to answer charges it defrauded customers by ordering the use of lower-cost parts to repair cars it insured, a judge ruled.

The suit, certified as a class action by an Illinois judge on Friday, could cost the largest U.S. auto insurer \$2 billion in compensation for as many as 15 million policyholders whose cars may have received inferior parts, said G. Patrick Murphy, an attorney representing policyholders.

State Farm is the second largest auto insurer in Wisconsin, behind American Family Mutual Insurance Co. State Farm has 13 percent of the market in Wisconsin, with \$24.3 million in premiums in 1996, according to the Wisconsin insurance commissioner's office.

The suit is the first time State Farm has been sued in a nationwide class action for the policy of using cheaper parts, lawyers said.

Young, Dan

From:

PETER C. CHRISTIANSON[SMTP:PCC@quarles.com]

Sent:

Tuesday, November 11, 1997 2:01 PM

To:

Rep.Otte

Subject:

Assembly Bill 416

Cliff --

Please let me know when AB 416 is scheduled for an executive session.

You will recall that I testified in opposition to the bill at the public hearing. The American Insurance Association, which I represent, is strongly opposed to the bill. Accordingly, it is OK with me if you NEVER hold a committee vote on the bill!

Peter C. Christianson "pcc@quarles.com" Milwaukee 414-277-5745 MKE FAX 414-271-3552 Madison 608-283-2492 MSN FAX 608-251-9166 Preliminary.

Assembly

Record of Committee Proceedings

Committee on Consumer Affairs

Assembly Bill 416

Relating to: the use of original manufacturer replacement parts.

By Representatives Freese, Riley, Musser, Reynolds, Urban, Ziegelbauer, Ott, Travis, Underheim, Notestein, Handrick, Staskunas, Otte, L. Young, Albers, Hasenohrl, Hahn, Carpenter, Turner, Ryba and Meyer; cosponsored by Senators Risser, Drzewiecki, Grobschmidt, Wirch, Clausing, Rosenzweig, Burke and Rude.

June 10, 1997

Referred to committee on Consumer Affairs.

July 17, 1997

PUBLIC HEARING HELD

(0)

Present:

(0) None.

Absent:

None.

Appearances for

• None.

Appearances against

None.

Appearances for Information Only

• None.

Registrations for

• None.

Registrations against

• None.

July 31, 1997

PUBLIC HEARING HELD

Present:

(5) Representatives Otte, Johnsrud, Ott, M.

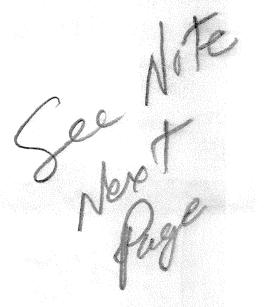
Lehman and Hasenohrl.

Absent:

(3) Representatives Urban, Williams and Black.

Appearances for

- Representative Stephen Freese, author
- Len Glass, WACTAL, Platteville
- Sue Peterson, Wisconsin Auto Collision, Waukesha



- Geoff Wheeler, WATDA, Madison
- Jim Tolkan, WATDA, Madison
- Bill Branson, Bob Tolkan Buick, Milwaukee
- Steve Wermer, Hartland
- David Miller, General Motors, Detroit, MI
- Calvin Eleby, Jr., American Automobile Maufacturers Assn., Detroit, MI
- Kelly M. Sparks, U.A.W., Oak Creek
- Tim Goss, Goss Auto Body, Inc., Menasha

Appearances against

- Jack Gillis, Certified Auto Parts Assn., Washington, D.C.
- Bob Maukiusky, Alliance of American Insurers, Schaumburg, IL
- Larry McMullin, Amercican Family Insurance, Madison
- Chet Gerlach, State Farm Insurance, Madison
- Eric Englund, Wisconsin Insurance Alliance, Madison
- Pete Christianson, American Insurance Assn., Madison

Appearances for Information Only

• None.

Registrations for

- Senator Fred Risser, Madison
- Craig Fauser, ABRA Auto Body & Glass, McFarland
- Dennis L. Gray, WACTAL, Madison
- Mary Ann Gerrard, WATDA, Madison
- Jeff Furseth, Thorstad Chevrolet, Madison
- Kay Blankman, Caledonia
- Joe Strohl, WACTAL, Madison

Registrations against

- Ron Squire, Wisconsin Mutual Insurance, Madison
- Owen Schwertfeger, American Family Insurance, Madison
- John De Young, Jr., Fond du Lac Bumper, Fond du Lac
- David Schmidt, Sentry Insurance, Marion
- Lee Fanshaw, Sentry Insurance, Stevens Point

October 23, 1997 **EXECUTIVE SESSION**

Present: (7) Representatives Otte, Johnsrud, Ott, M.

Lehman, Urban, Williams and Black.

Absent: (1) Representative Hasenohrl.

After dor is saved will meed to Agree in NO ACTION TAKEN

Daniel A. Young Committee Clerk

Young, Dan

From:

Young, Dan

Sent:

Tuesday, December 09, 1997 3:54 PM

To:

'Englund, Eric'; 'Gherlach, Chet'; 'Hauke, Tom (fax)'; 'Schwerdtfeger, Owen'; 'Strohl, Joe'; 'Gerrard,

Mary Ann

Cc:

Richard, Rob; Deering, Bonnie

Subject:

AB 416

As I promised I would, I am writing to notify interested parties when we intend to take executive action on AB 416. We will exec on the bill on January 29, 1998.

Representative Freese will be having some proposed changes drafted. My understanding is these will include changing the original proposal to three years instead of five, including a sunset date, and not adding in re-built motorcycles.

I will be out of the office December 12 through January 19. So, if you do have questions about these pending changes, please contact Rob Richard in Representative Freese's office.

Dan Young Committee Clerk Assembly Consumer Affairs Comm.



October 17, 1997

Representative Cliff Otte PO Box 8953 Madison WI 53708

AB 416 / AFTERMARKET PARTS

Representative Otte, I understand you are co-sponsor of the above referenced bill. I am asking and requesting you to vote against this bill because if it does pass, it does nothing but increase the cost of vehicle repair for the citizens of the state of Wisconsin.

It also appears to me to be in restraint of trade and just completely contrary to common sense and good business judgment.

I would appreciate hearing from you relative to your position.

Michael L. Wagner

President & CEO

MLW:cl

cc: James P. Thomas

150 CAMELOT DRIVE P.O. Box 1029 FOND DU LAG, WI 54936.1029

PHONE 920.922.1220 Fax 920.922.0747

Vote Record

Assembly Committee on Consumer Affairs

| 10/40/00 | | | | |
|---|--|--|---------------------------|-----------------------|
| Date: | | Seconded by: Clearinghouse Rule: Appointment: Other: Marko of | AAI (LR) | Ba 09/1/1) us consent |
| A/S Amdt: A/S Amdt: A/S Sub Amdt: A/S Amdt: A/S Amdt: | to A/S Amdt: to A/S Sub Amd to A/S Amdt: | | adoption to A/S Sub Amdt | |
| Be recommended for: Passage Introduction Adoption Rejection | | Indefinite Postponem Tabling Concurrence Nonconcurrence Confirmation | ient | |
| Committee Member Rep. Clifford Otte, Chair Rep. DuWayne Johnsrud Rep. Alvin Ott Rep. Michael Lehman Rep. Frank Urban Rep. Annette Polly Williams Rep. Donald Hasenohrl Rep. Spencer Black | | Aye No | Absent I | Not Voting |
| | Totals: _ | · | | |

Action suspended.

Motion Carried Motion Failed



Misconsin Speaker Pro Tempore Representative Stephen I. Freese

Testimony of Representative Stephen J. Freese
Assembly Bill 416
Committee on Consumer Affairs
July 31, 1997

Good morning Chairman Otte and committee members. Thank you for allowing me the opportunity to testify before you on Assembly Bill 416, relating to non-original replacement parts, or imitation, parts for automobiles.

Under current law in Wisconsin, an insurance company can mandate that nonoriginal replacement parts be used in the repair of an insurer's vehicle as long as the
insurance company gives written notification identifying the use of each
replacement part used in the repair. However, the consumer has no right to decline
their use. If the person owning the vehicle wanted original equipment
manufacturer's parts, otherwise known as OEM parts, he or she would have to pick
up the difference in cost. In other words, the consumer has no choice.

The parts I am talking about today are classified as crash parts. Crash parts are the exterior sheet metal and plastic automotive parts, such as, fenders, quarter panels, hoods, doors, and bumper components. OEM parts are genuine replacement parts either made by the manufacturer, or by any *authorized* manufacturer. All genuine replacement parts have the same quality and consistency as the original factory parts, because they are produced with the same tooling, stamping, and materials - and are engineered to the same exacting standards - as the originals. Imitation replacement parts are unauthorized copies intended to substitute for parts made by the original manufacturers, and usually fall into two categories - CAPA certified and non-CAPA.

CAPA, Certified Automotive Parts Association, was established to set standards for competitive parts to insure their equivalency to OEM parts. It is not a manufacturing, marketing, or sales organization. While the insurance industry will stand by CAPA certified parts, interestingly enough, not only are these parts inferior, but they make up just 2.3% of the replacement parts market. Of the 23 manufacturing companies of CAPA certified crash parts, 20 are found in Taiwan, 2 in the U.S., and 1 in Canada. They produce a total of 1,820 different parts, but 90% of those come from Taiwan. Kelly Sparks from the UAW will give more details as to how this effects American workers.

Despite the claims from proponents of imitation crash parts that they are of "like kind and quality" or "functionally equivalent" to OEM parts, I am here, along with other proponents of OEM parts, to convince you that - CAPA certified or not - they are inferior in fit, finish, structural integrity, corrosion protection, and dent resistance; that there are major safety concerns to be accounted for; that imitation parts can affect and/or nullify a manufacturer's warranty coverage; that the resale and trade-in value of a vehicle can be greatly diminished with the use of imitation parts; and disavow the claim by the insurance companies that the use of imitation crash parts will help hold down insurance premium costs to consumers through reduced collision repair costs.

Since imitation parts hit the market in the early 1980's, there have been many complaints both by consumers and the auto body repair industry. Most complaints by consumers have occurred because of the increased devaluation of their vehicle when they go to sell it or trade it in, and their disappointment in the repair and appearance of their vehicle because of the inferior parts. The auto body industry has genuine concerns about imitation parts because they usually do not fit to original factory standards and they are made of lesser quality materials. There are others here today in the auto body industry who will give first hand testimony on the inferiority of imitation parts.

What Assembly Bill 416 will do is give the consumer the right to make a choice on what parts will go on their new vehicle. If someone with coverage on their vehicle were to get in an accident and their vehicle was 5 model years old or less, OEM parts would be required to be put on the vehicle by the collision repairer. It would also allow someone to request at the time of contracting for repairs that OEM parts be used in the repair of the vehicle. Of the 50 states, 41 have laws, regulations, or both that govern the use of imitation crash parts, used salvage parts, or both. Nine states require consumers' written consent to use imitations - Wisconsin does not. Five states have similar or stronger measures like the one I am proposing regarding the use of OEM parts; Arkansas, Indiana, Rhode Island, Texas and West Virginia. In this session alone, 9 states have either considered, or are now considering, similar legislation. As you can see there is a national trend occurring in favor of consumer choice.

A major point that the insurance industry will try to stick in your minds today is that premiums will go up because of this bill's language. This would be an unsubstantiated and egregious claim. Since 1990, Indiana has required new OEM parts for the first 6 model years of a life's vehicle. According to the Indiana Office of the Commissioner of Insurance, insurance companies in that state have seen no affect on automobile premiums. Since 1994, Rhode Island has required OEM parts for the first 30 months and once again Rhode Island's OCI has seen no increase in premiums. West Virginia, which probably has the nation's strictest disclosure laws, and which has since 1995 required OEM parts for the first three years, reports that automobile rates have actually dropped by a percentage point. Arkansas and Texas have passed legislation this year so the affects are yet indeterminate.

According to a June 1996 U.S. Department of Labor, Bureau of Statistics report, auto insurance costs have risen 72% over the past 10 years - 26% more than auto body repair costs. I tend to question any assertion that imitation parts will keep

premiums down. There is no substantial reason to believe that Wisconsin's automobile premiums would go up when you look at the data from the other states. No matter what others may say, we can not project numbers affecting important consumer protection legislation from guess work.

In 1994 the Ford Motor Company commissioned a test program, conducted by the independent research firm Climax Research Services, that examined randomly obtained samples of high-volume crash parts from three sources - genuine Ford OEM parts, CAPA certified parts and non-CAPA imitations. On the Taurus fenders that were tested, there were 17 and 18 specific defects on the CAPA and non-CAPA parts, respectively. When comparing the finish, the imitation parts were found to have variation in the thickness of primer and it was generally thinner. The structural integrity of the imitation parts were inferior because of missing welds, adhesives and epoxy. The geometrics of crush darts on the imitation hoods - use to control the points and direction of buckling of the hood - were different and unsatisfactory compared to the Ford hood. Ford sheet metal is galvanized on both sides for superior corrosion resistance, while the imitation parts were uncoated and more vulnerable to corrosion. The test concluded that the imitation parts were substandard in every category.

The Swedish National Testing Institute conducted tests in 1995 on Volvos, following the U.S. National Highway Traffic Safety Administration Federal Motor Vehicle Safety Standard tests. Three Volvos were outfitted with non-original fenders, hoods and windshields from U.S. aftermarket parts' distributors, and subjected to a 35 mph crash test. The test results from the 3 vehicles found that the hood was crumpled unevenly and a side had become detached from its frame - increasing the potential for the hood to go through the windshield. The fenders failed to absorb the energy from the impact which contributed to the impairment of door operation and the inability of front seat occupants to exit the vehicle. A Volvo equipped with genuine parts, subjected to a similar test, deformed according to Volvo standards.

General Motors commissioned two independent companies to perform a three-month nationwide resale study which tested the quality of GM crash parts versus imitation parts. I will let David Miller of General Motors testify in greater detail the results of the test, but I believe you already know the outcome. Mr. Miller will also disclose the safety concerns that the major manufacturers have regarding air bag safety.

What is most important to realize from all of this is that not only are imitation crash parts not crash tested to meet U.S. NHTSA standards - they are not crash tested period. At no point are parts installed on the vehicles, for which they are intended, subjected to any crash testing. The major manufacturers have had to conduct their own independent crash tests regarding imitation parts because no independent test has been published by imitation manufacturers giving conclusive evidence to the crashworthiness of non-original parts.

Warranty coverage is important to anyone who may own a vehicle, but that coverage may be jeopardized with imitation parts. Manufacturers' warranties do not cover imitation or used salvage parts, and they won't cover damage these parts may do to existing original parts. For instance, if an imitation fender causes bimetallic corrosion on the door or hood, the manufacturer's sheet metal warranty on those parts won't cover the repair. Also, because imitation crash parts are not covered under the manufacturers' new vehicle limited warranty, any damage to or failure of a genuine OEM part caused by the installation or improper performance of an imitation crash part, is not covered.

Another important point is that repair with OEM parts restores the factory warranty so that however many times a vehicle is sold, all existing warranties transfer to the new owner until the warranty runs out. In most cases, imitation parts' warranties are non-transferable when a vehicle is sold. In essence, insurance

companies can mandate the use of imitation crash parts on vehicles that were under factory warranty, but can not restore the factory warranty with these parts. This is not only wrong, it ultimately cheats the customer in the end.

The insurance industry has come under fire in recent years because of their policies regarding crash parts. In Illinois in 1994, State Farm had to settle out of court after a class-action law suit was filed charging them of illegally specifying the use for repairs of inferior non-original body panel and trim parts. 80,000 policy holders were to be covered under the terms of the suit - which required State Farm to replace or repair, and guarantee "like kind" replacement parts for as long as the policy holder owned their vehicle. If claimants weren't satisfied with imitation parts, they were entitled to the repair or replacement of those parts with OEM parts.

A similar class-action lawsuit was settled in California in 1995. Under the lawsuit, 2.3 million California vehicle owners who had collision repairs made to their vehicles under State Farm auto insurance policies between Feb. 1, 1987 and Sept. 25, 1995 were eligible for cash settlements or vehicle repairs with OEM parts. Similar suits are pending in Alabama, Arizona, Arkansas, Florida, Tennessee, and Texas - with additional suits planned in Kentucky, Louisiana, New Jersey, New York, North Carolina, Ohio, Oklahoma, and Pennsylvania.

Automakers, body shops, and some consumers have argued for years that most people don't understand or realize that the term "like kind" means the insurance companies are going to use non-original parts in the repair of their policyholders vehicle. The country is now starting to wake up and recognize that imitation parts are substandard and unsafe..... it's time that Wisconsin does too.

Thank you Mr. Chairman and committee members for your time and patience on this very important matter.

COMMITTEE HEARINGS

Committee on Consumer Affairs

The committee will hold a public hearing on the following items at the time specified below:

Thursday, July 31, 1997 10:00 a.m. 424 NE State Capitol

Assembly Bill 86

Relating to: assuring financial responsibility for the operation of motor vehicles, granting rule-making authority and providing a penalty.

By Representatives Baumgart, Gunderson, Ainsworth, Black, Cullen, La Fave and F. Lasee; cosponsored by Senators Rude, Jauch and Buettner.

Assembly Bill 416

Relating to: the use of original manufacturer replacement parts.

By Representatives Freese, Riley, Musser, Reynolds, Urban, Ziegelbauer, Ott, Travis, Underheim, Notestein, Handrick, Staskunas, Otte, L. Young, Albers, Hasenohrl, Hahn, Carpenter, Turner, Ryba and Meyer; cosponsored by Senators Risser, Drzewiecki, Grobschmidt, Wirch, Clausing, Rosenzweig, Burke and Rude.

Representative Clifford Otte Chair

WACTAL Updates

LEGISLATIVE UPDATE OEM PARTS LEGISLATION INTRODUCED



BY JOSEPH STROHL, WACTAL LOBBYIST

Twenty nine Wisconsin state legislators have sponsored WAC-TAL legislation designed to give consumers the choice of either OEM or aftermarket parts for their vehicles if the vehicle is less than five years old.

Despite heavy lobbying against the bill from the collision insurance industry, state legislators were eager to lend their support to this important legislation.

Bills have been introduced each house of the State Legislature. In the Assembly, the bill is AB-416 and in the Senate it is SB-225.

The bills have strong bipartisan support. Of the 29 sponsors of the bills, 17 are Democrats and 12 are Republicans.

Leaders of each house have leant their support. The lead sponsor of AB-416 is Speaker Pro Tem of the Assembly Steve Freese (R-Dodgeville). SB-225 is lead by Senate President Fred Risser (D-Madison).

Though their names are not listed as sponsors of the bills, Assembly Speaker Ben Brancel (R-Endeavor) and Senate Majority Leader Charles Cvala (D-Madison) have each told constituents they support the bill.

How is it that the OEM legislation was able to garner such strong bipartisan support in such a short period of time? The answer is quite simple: WACTAL members and other interested parties contacted their legislators by either phone or in writing and told them of the importance of this bill.

As I spoke to legislators, it was very clear that they had been contacted by their constituents and had the issue explained to them. In addition, most legislators have had their own personal experience with cheap imitation aftermarket parts being put on their vehicles and they recognized how this was cheating them as consumers.

WACTAL is not in this fight alone. The Wisconsin Automobile and Truck Dealers Association and the American Automobile Manufacturers Association are also supporting this legislation. Automobile dealers across the state have also contacted their legislators seeking support.

What is the next step? The bills have been referred to committees in each house of the legislature. SB-225 is in the Senate Judiciary and Consumer Affairs Committee and AB-416 to the Assembly Consumer

Affairs Committee.

Between now and September, the committees are expected to hold public hearings on the bills.

If you have not yet contacted your state legislator, now is the time to do so.

Either send them a letter or phone them. The summer months are a good time to invite them over to your shop so that you can show them around and talk about the need for this legislation. Summer is good because the Legislature is not in session until September.

You should also tell your customers of this legislation and urge them to contact their legislators as well. If you have any questions on the OEM legislation or wish a copy of the bill, please give me a call (608-251-9605).

NEW TAX CREATED ON RENTAL CARS

In an effort to generate more money for the transportation fund, the State Legislature has approved the creation of a 2% gross receipts tax on autorentals and leases. When the proposal was first announced, it looked as though the tax could apply to "loaner" vehicles that some collision repair shops provide their customers, even if there was no charge.

The final version of this new tax was changed to provide a specific exclusion for vehicles that are rented as service or repair replacement vehicles. Therefore, this new provision should have no effect on WACTAL members unless you are primarily engaged in vehicle rental or leasing.

(Continued on page 25)

WACTAL Updates

WACTAL BACKS OEM PARTS LEGISLATION

by Kevin Murphy

Madison - Two leaders of the Wisconsin Legislature will sponsor WACTAL-backed legislation aimed at giving consumers the right to reject the use of aftermarket parts in collision repairs if their vehicle is five years old or less.

Senate President Fred Riser, D-Madison, and Assembly Speaker Pro Tem Steve Freese, R-Dodgeville, have agreed to be the main sponsors of the parts replacement legislation now entitled LRB-2751, said WACTAL lobbyist Joseph Strohl.

Strohl called the proposal "a modest but important improvement for the collision repair industry and their customers."

"This proposal doesn't automatically require OEM parts be used, but only if consumer requests it. The burden will still be on the consumer to request those parts," Strohl said.

The proposal strengthens Wisconsin's current law passed in 1991, which only requires insurance companies to inform the insured that non-OEM parts will be used in the repair. Under the proposed legislation, the insured would be able to reject the use of aftermarket parts on their late model vehicle presumably without the threat of having to pay higher costs.

Strohl sees the proposal having little cost impact on the insurance industry since several major companies already will pay for OEM parts if the insured insists on them.

However, the insurance industry is already organizing opposition to the proposal even before it becomes a bill.



"If the consumer choice is to go with more expensive part and the funding of that choice falls on the insurance industry then we will have concerns about this legislation. Chiefly, because we are persuaded that aftermarket parts of comparable quality to OEM parts are available. We're concerned that if the marketplace is changed by this legislation it would increase the cost of repairing vehicles," said Eric Englund, president of the Wisconsin Insurance Alliance.

"WACTAL sought the legislative change because shop owners continue to receive non-OEM parts of inferior quality or aftermarket parts that just don't fit," said Peterson.

Peterson also noted that insurance companies don't inform their customers that non-OEM parts will be used to the extent they once did.

"For a while after the 1991 law was passed, (insurance) estimates used to have bright-colored labels attached notifying the motorist that aftermarket parts would be used in the repair. Now the notice just gets printed near the bottom of the form



and it's likely to be missed entirely," Peterson said.

Although Englund said the major insurance companies compensate shops for the extra time it takes to make aftermarket parts fit properly, Peterson doubts that is the case. Seeking supplements for making aftermarket parts fit properly, is a lost cause, said Ron Jepson, an Appleton body shop coowner.

"We don't take the time to bill for that, it's just passed over. If the part doesn't fit, we send it back and order a new part, or we make it fit and complete the job. It becomes a big job to bill for all the extra time. The technicians complain about aftermarket parts to the office people, but we find that every supplement takes time to prepare and time is money. Problems with aftermarket parts is just a cost we absorb," said Jepson, of Peotter's Mid-City Auto.

The reduced cost of aftermarket parts means less profit to shops on marking up parts. Combined with the lost time required to make them

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fit aftermarket part usage affects a shop's bottom line, Jepson said.

The Wisconsin Automobile and Truck Dealers Association, natural allies in OEM parts issues, were also interested in supporting the proposal, depending on its final form, Peterson said.

The legislative proposal had not become formal legislation by mid April. The proposal is intended not to have an effect on the insurance rates policyholders pay, said Strohl.

If passed into law, the proposal's provisions will effect new insurance

policies or existing policies when they are renewed, Strohl said.

Aftermarket parts have been a battle between shops and insurers since Henry Ford's days, said Englund. The struggle began over batteries, tires, wipers, shocks and glass, he said, and now has shifted to sheetmetal. Although Englund admits some inferior aftermarket parts have been produced, overall aftermarket part usage has benefited consumers.

"The automotive industry has found again and again that compe-

tition is good for consumers. Competition brings lower cost and can involve lower cost parts at similar quality to OEM parts. Our research indicates there are multitude of aftermarket parts for newer cars available to produce a repaired vehicle of similar condition to how the car existed prior to the accident," he said.

Unfortunately, those consumer benefits have come from the shopowner pockets, which is why eight other states have adopted legislation that gives motorists the right to reject non-OEM parts.

LEGISLATIVE UPDATE REPLACEMENT PARTS LEGISLATION READY FOR INTRODUCTION



BY JOSEPH STROHL, WACTAL LOBBYIST

State legislation designed to give consumers the right to have their vehicle repaired with original manufacturer parts is ready for introduction into the Wisconsin Legislature.

Yourhelp is immediately needed to win legislative approval for this important bill!

This legislation (LRB 2751) is being introduced by Senate President Fred Risser (D-Madison) and Assembly Speaker Pro Tem Steve Freese (R-Dodgeville),

LRB 2751 has two major provisions: (a) Vehicle owners have the right to request that original replacement parts be used on their vehicle and (b) the insurance company must approve the use of original parts if the vehicle is under 5 years of age.

The auto insurance industry is already fighting us. However, it looks like WACTAL will have support from both auto dealers and from auto manufacturers.

If WACTAL is to be successful in passing this bill, your help will be needed. Please take a few minutes to do the following:

- 1. Call you state senator and state representative and ask them to cosponsor the Risser-Freese Replacement Parts Bill (LRB 2751). Their Hotline number is 1-800-362-9472.
- 2. Write you state legislators if you are unable to call them.
 - 3. Invite state legislators (by

phone or letter) to your collision repairshop and show them the steps involved in repairing a vehicle and the experiences you have had in using nonoriginal parts. Introduce them to your employees.

- 4. Attend fundraisers of your local legislators. Costs are usually minimal.
- 5. Encourage your customers to show their support for this bill by contacting their legislators as well.
- 6. Report your contacts to either WACTAL Executive Director Sue Peterson or to myself. We need to know what your legislators are thinking about this issue.

In your conversation, letters and meetings with legislators, emphasize the need for this legislation. Stress the real and potential problems that you and your customers have had with cheap imitation parts. Tell them Wisconsin consumers should have the same rights here as consumers in 8 other states have.

WACTAL UPDATES CONTINUED .

If WACTAL and its supporters are to be successful with this legislation, it will only be because you took the time to contact your legislator.

if you need additional information, please do not hesitate to give me a call (608-251-9605). Last months issue of WABN has other background information as well.

1997 BILL

1 AN ACT to amend 632.38 (title) and 632.38 (2) (title); and to create 632.38 (1)

2 (dm) and 632.38 (5) of the statutes: relating to: the use of original 3 manufacturer replacement parts.

Analysis by the Legislative Reference Bureau

Under current law, an insurer may not use nonoriginal manufacturer replacement parts in the repair of an insured's motor vehicle unless the insurer complies with specific notice requirements. (Nonoriginal manufacturer replacement parts are nonmechanical sheet metal or plastic parts for the repair of the exterior of a motor vehicle that are not made by or for the manufacturer of the insured's motor vehicle.) The notice must clearly identify the replacement parts as nonoriginal manufac-

turer replacement parts and advise the insured that warranties on the parts are provided by the manufacturer of the parts, not the manufacturer of the insured's motor vehicle. This bill provides that, regardless of the notice requirements for the use of nonoriginal manufacturer replacement parts, in the repair of an insured's motor vehicle an insurer must use replacement parts that are made by or for the manufacturer of the insured's motor vehicle (originai manufacturer replacement parts) if the insured's motor vehicle is less than 5 years old and the insured requests the use of those original manufacturer replacement parts.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1997-1998 Legislature BILL

1 SECTION 1. 632.38 (title) of the statutes is amended to read:

2 632.38 (title) Nonoriginal and original manufacturer replacement

3 parts.

4 SECTION 2. 632.38 (1) (dm) of the statutes is created to read:

5 632.38 (1) (dm) "Original manufacturer replacement part" means a 6 replacement part that is made by or for the manufacturer of an insured's motor

7 vehicle.

8 SECTION 3. 632.38 (2) (title) of the statutes is amended to read:

9 632.38 (2) (title) NOTICE OF INTENDED USE OF NONORIGI-**NAL MANUFACTURER**

10 REPLACEMENT PART.

11 SECTION 4, 632,38 (5) of the statutes is created to read:

12 632.38 (5) USE OF ORIGINAL MANUFACTURER REPLACE-MENT PART. Notwithstanding

13 subs. (2) to (4), an insurer or the insurer's representative shall use on or more

14 original manufacturer replacement parts in the repair of an insured's motor vehicle

15 if all of the following apply:

16 (a) the insured's motor vehicle is less than 5 years old.

17 (b) The insured requests that those original manufacturer replacement parts

18 be used in the repair of the insured's motor vehicle.

19 SECTION 5. Initial applicabil-

20 (1) This act first applies to claims under motor vehicle insurance policies issued

21 or renewed on the effective date of this subsection.

22 (END)

ENVIRONMENTAL WORKSHOPS

WACTAL will be co-sponsoring with DNR, a series of voluntary workshops geared to help you understand your responsibilities for properly managing solid and hazardous waste. These evening workshops will provide you with a brief overview of environmental regulations, options that may help reduce waste, managing paint solvent wastes and questions and answer

period. Dates and locations: May 6, Marklein Auto Body, Dodgeville; May 21, A-1 Auto Body, Racine.

Contact the WACTAL office if you have any questions.

WACTAL CAMPOUT

The campout is slated for July 18, 19 and 20 at Yogi Bear Jellystone Park in Warrens, Wisconsin. For campsite or cabin reservations, contact Jellystone Park at 800-

322-9644. Be sure to mention Wis. Auto Collision when making your reservations.

WELCOME NEW **MEMBERS**

Midtowne Automotive Repair, Inc., Milwaukee Darrell Hillman, President

(CONTINUED ON PAGE 44) WISCONSIN AUTO BODY NEWS . MAY-JUNE 1997 . PAGE 41

3 1/2 YEARS AGO, MY INSURANCE COMPANY SAVED A FEW DOLLARS



RESULTS FROM A RECENT NATIONAL STUDY CONDUCTED BY TWO INDEPENDENT COMPANIES SHOWED THAT NEW GENUINE GM COLLISION PARTS OUTPERFORMED IMITATION PARTS IN THEIR ABILITY TO RETAIN VEHICLE INVESTMENT VALUE AT RESALE OR TRADE-IN.

The insurance company said, "Trust us."

They said that the imitation parts were just as good as the new GM collision parts and would return my car to pre-accident condition.

But they were wrong.

Not only did my car look different, but when it was time to sell, I could feel the difference – in my wallet, where it hurt me most.

DON'T LET THIS HAPPEN TO YOU.

The Study Involved:

- 14 major U.S. markets, coast-to-coast
- Professional used car and truck buyers
- Consumers who had either purchased or sold a vehicle worth \$5,000 or more during the past three years

Participants were asked to determine the value of two nearly identical 1994 Chevrolet Cavaliers. They did not know that the only difference between the two vehicles was that one was outfitted with new genuine GM collision parts – the other with CAPA-certified imitation parts.

Whose Vehicle Is It An

Before turning your investment over to investigating on your own. someone else, we suggest you do a little want it restored, not just "reconditioned." When your vehicle is involved in a collision, you

AND YOUR BODY SHOP: ASK YOUR INSURANCE NUSQ

If I bring my vehicle in for collision repairs pre-accident condition with new GM parts? warranty period, will it be returned to during the factory warranty or extended

> SOME INSURANCE COMPANIES WILL GO TO GREAT YOU HAVE THE MOST TO LOSE. UNFORTUNATELY, VEHICLE INVESTMENT THAN YOU DO. AFTER ALL, NOBODY CARES MORE ABOUT PRESERVING YOUR INFERIOR MATERIALS. LENGTHS TO CUT COSTS, EVEN IF THAT MEANS USING

FOR YOUR OWN PROTECTION:

used to repair your vehicle. imitation parts have been tion whenever used salvage or request written documentaconcerns, owners should Due to safety and financial

of a structural systems failure. compensation in the event greatly increase their chances in establishing liability and Such documentation will assist receiving appropriate

Phone

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| Address | Name | WITNESSES: | Badge # | - 1 | RESPONDING POLICE | Injury | ☐ Driver ☐ Passenger☐ In your vehicle ☐ | Name | INJURIES: | | Indicate locations on the | DESCRIBE ACCIDENT: | YOUR VEHICLE: Stopped in traffic Moving Legally parked | Weather conditions: | Location: | DATE: AM DPM |
| | | | and the second | | 9 | | n ' | | | | fo | | | | | Dus Dus |
| | | | Dept. | | OFFICER(S): | | r □ Pedestria In other vehicle | | | | lowir | TANGGREEN | | | | ME: Dusk |
| | | | | | (s): | 17 | Pedestrian er vehicle | | | | ng di | | | | | |
| | CANADAMAN AND AND AND AND AND AND AND AND AND A | | de describe a servicio de la companio del la companio de la companio del la companio de la compa | And the Miller and Andrews Constitution of the | | | trian cle | TO CONTRACTOR AND ADDRESS OF THE PROPERTY OF T | | | following diagrams: | | | | | Dark |

Results - A \$1,670 loss caused by imitations!

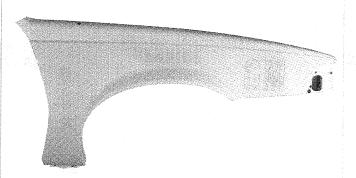
THESE TEST RESULTS CLEARLY CONFIRM WHAT COLLISION REPAIR PROFESSIONALS HAVE KNOWN ALL ALONG. SO DON'T BE MISLEAD BY TERMS "LIKE KIND AND QUALITY" OR "CERTIFIED" REPLACEMENT PARTS. DON'T BE FOOLED BY LESSER QUALITY IMITATIONS.

THE FENDERS BELOW...

were exposed to the equivalent of two years of corrosive aging using test GM9540P which, according to American Iron and Steel Institute and SAE, "best represents actual field use performance." ■ Nine out of ten professional used car and truck appraisers and nine out of ten consumers chose the vehicle with new genuine GM collision parts. ■ Those professional appraisers devalued the vehicle with imitation parts an average of \$740 below the National Automobile Dealer Association (NADA) price guide's wholesale price. ■ Those consumers devalued the vehicle with imitation parts even more - an average of \$1,670 lower than the NADA retail guide's price.

Nearly 20% of the study's consumer appraisers would not buy the vehicle repaired with imitation parts even at a reduced price.

THE RESULTS SPEAK FOR THEMSELVES



DOUBLE SIDED, GALVANIZED GENUINE GM FENDER

- Metal thickness .033 inches
- Zinc Layer (Inside and Outside) 60 grams/meter²
- Zinc + Primer Thickness = 1.2 to 1.3 mils
- Weight 8.5 lbs.



NON-GALVANIZED FOREIGN IMITATION FENDER

- Metal thickness .030 inches
- No Zinc Layer
- Primer Thickness = .5 to .9 mils
- Weight 8 lbs.

What To Do If You Are Involved In An Accident:

We're All Consumers.

ARE INVOLVED IN ONE, REMAIN AS CALM AS UNFORTUNATELY, ACCIDENTS DO HAPPEN. IF YOU MAKING A REPORT TO YOUR INSURANCE COMPANY: POSSIBLE AND USE THIS FORM TO ASSIST YOU IN

OTHER VEHICLE:

- ☐ Stopped in traffic☐ Moving☐ Legally parked

DRIVER'S INFORMATION:

| Driver's license # | Phone (H) (W) | Address |
|--|---------------|---------|
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State

D.O.B.

| VEHICLE OWNER INFORMATION: | |
|----------------------------|--|
| Name | |
| Address | · · · · · · · · · · · · · · · · · · · |
| Vehicle model YrYr. | Style |
| License plate # | State |
| VIN # | |
| Insurance co. | |
| Policy # | PROPERTY AND |
| | |

ASK YOUR INSURANCE COMPANY:

Damage to vehicle

condition with new, genuine GM collision parts? Will my vehicle be returned to its pre-accident

GM WARRANTIES VOIDED WITH IMITATION AND USED SALVAGE PARTS

tation or used salvage part are also invalid. system whose failure was caused by the imi-GM warranties for any associated GM part or GM is not responsible for the warranty and liabilities of imitation or used salvage parts

ly affect vehicle resale, performance or occuance or other part failures that can negative-These failures may later cause major appearobservation or testing cannot detect all structural, strength or intended function failures The reason is simple: casual, non-technica

PROTECT YOUR INVESTMENT DON'T COMPROMISE :

dition. Imitation and used salvage parts just investment by using new, Genuine GM ment at resale or trade-in. Protect your original purchase and the return on investparts could compromise the quality of the don't perform the same. Use of imitation can't do that: they don't look the same, they you want it restored to its pre-accident con-Collision Parts. When your vehicle has been in an accident

マ z o l m o l

YOUR INVESTMENT



Service Parts Operations. All Rights Reserved. © 1996 General Motors Corporation Protect it by insisting on new genuine GM parts. Your vehicle is an important investment

www.GMGOODWRENCH.com

For more information, visit us at



GENERAL MOTORS 1993/1994/1995/1996/1997 SERVICE POLICIES AND PROCEDURES

GLOSSARY FOREWORD DEFINITION OF TERMS

PAGE

ARTICLE 1

| I GEN | ERAL MOTORS WARRANTIES BY MODEL YEAR - 1997 |
|-------|---|
| 1.1.1 | |
| | a. General Motors Corporation New Car Limited Warranty (except |
| | Cadillac and Oldsmobile Aurora) |
| | b. General Motors Corporation Light Duty Truck Limited Warranty |
| | c. Cadillac and Oldsmobile Aurora New Vehicle Limited |
| | Warranty |
| | d. Medium Duty Truck and Chassis Limited Warranty (except W-4 Series) |
| | e. W Series Medium Duty Truck Limited Warranties |
| * | f. General Motors Corporation Noise Emission Warranty 1 |
| 1.1.2 | 1997 EMISSION CONTROL SYSTEM WARRANTIES |
| | a. Passenger Car Emission Control System Warranty 1 |
| | b. Light Duty Truck and Chassis Emission Control System |
| | Warranty |
| | Control System Warranty 18 |
| 1.1.3 | GENERAL MOTORS SERVICE REPLACEMENT PARTS |
| | AND ACCESSORIES WARRANTIES 20 |
| | a. Dealer Parts and Accessories Warranty (except Delco |
| | Batteries) |
| | 1. GM Goodwrench Service Replacement Engine |
| | Assembly Limited Warranty |
| | 2. EM Goodwrench Service Replacement Automatic |
| | Transmission/Transaxle Assembly Limited |
| | Warranty |
| | Warranty |
| • | 4. GM Goodwrench Shock Absorber Service |
| | Replacement Limited Warranty |
| | 5. GM Service Replacement Ignition Wire Set Limited Warranty |
| | 6. CM Service Replacement Sheet Metal Limited |

PAGE 10

k. Non-GM Parts and Equipment

Non-GM parts or failures resulting from the installation of non-GM parts are not covered by the New Vehicle Warranty.

I. Reconditioning

Reconditioning or refurbishing of a vehicle in the absence of a defect in material or workmanship is not covered under warranty.

1.2.3 EMISSION CONTROL SYSTEMS WARRANTIES

The Emission Warranty guidelines in this Article are based on federal regulations and apply to Vehicles in all 50 states and U.S. Possessions. In addition to the federal regulations, the state of California has adopted emission warranty regulations applicable to Vehicles certified to meet California emission regulatory standards. For California Emission Warranty details, see Article 1.2.3 i.

Massachusetts and New York have adopted California exhaust emission standards. All new passenger cars and light duty trucks (rated at or less than 6000 lbs. GVWR) sold for registration in Massachusetts or New York are certified to the California emission standards. See article 1.2.3 i for California Emissions Warranty coverage details.

Dealers in California. Massachusetts. New York and bordering states, may sell vehicles certified to the California emission standards to customers in any state.

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

THE WEST VIRGINIA AUTOMOTIVE DISMANTLERS AND RECYCLERS ASSOCIATION, THE WEST VIRGINIA INSURANCE FEDERATION, INC., and STATE FARM MUTUAL AUTOMOBILE INSURANCE.

Plaintiffs.

V.

Civil Action No. 97-C-1090

THE HONORABLE HANLEY C. CLARK, COMMISSIONER OF INSURANCE OF THE STATE OF WEST VIRGINIA, and THE HONORABLE DARRELL V. McGRAW, JR., ATTORNEY GENERAL OF THE STATE OF WEST VIRGINIA.

Defendants.

AFFIDAVIT

STATE OF MICHIGAN, COUNTY OF Wayne , to-wit:

Before me, this undersigned authority, this day personally appeared

Donald I. Gray, who being by me first duly sworn, on 5/28/97 oath deposes and says that:

- 1. That <u>Donald I. Gray</u> is the <u>Gen. Director</u> General Motors

 Corporation, and is authorized to make this Affidavit on behalf of the corporation.
- 2. That he has personal knowledge of the corporation's policies and practices regarding the factory warranty of new motor vehicles manufactured by the corporation and original equipment parts manufactured by or for the corporation.

- 3. That the corporation's factory motor vehicle warranties do not extend to or cover collision repair replacement parts used to repair motor vehicles manufactured by the corporation that have not been manufactured by or for the corporation.
- 4. That the corporation's factory motor vehicle warranties do not extend to or cover collision repair replacement parts used to repair motor vehicles manufactured by the corporation that have been removed from a motor vehicle that has been rendered inoperable for any reason, "totaled" by an insurance company for any reason, or removed from a motor vehicle that is operable, but, has been involved in a collision, flood or fire, or had been stolen ("used salvage parts").
- 5. That the corporation's factory motor vahicle warranties do not extend to or cover any adjoining, associated manufacturer parts, which are adversely affected or fail because of the use of used salvage parts.

Further, Affiant saith not.

Muadelugy.

Taken, sworn to and subscribed before me this 200 day of May, 1997. My commission expires 0,000

[SEAL]

Notary Public

CAROLYN E. STOEHR
BY Patille, Wages County, I

the Constitution Parisms July 9, 2000

COMESTR

GMSPO COLLISION PARTS POSITION STATEMENTS REGARDING COLLISION REPAIR

WARRANTIES:

General Motors vehicle factory warranties transfer when repairs are completed with new genuine GM Parts. The use of used salvage and/or imitation/counterfeit parts is not covered by the GM factory transferable limited warranty on that part and all adjoining parts and systems which are caused to fail by these parts.

USED SALVAGE:

GM is an environmentally-conscious corporate citizen. We understand the merits of recycling and have initiatives underway within the Corporation that promote it. Additionally, we are concerned about our customers and maintaining GM vehicle image, value, functional and safety systems, and transferable factory warranties. Since GM does not warrant used salvage parts, we want to make sure consumers are aware of the consequences of having used salvage parts installed on their vehicles. At this time, we believe there are no systems or process in place to regulate the quality of used salvage parts in the market. Therefore we are concerned about improper use of used salvage parts, i.e., wrong application as well as use of damaged materials.

DIRECT REPAIR PROGRAM (DRP)/PREFERRED PROVIDER OPTION or ORGANIZATION (PPO):

GM supports policies and programs which ensure GM vehicle owners' rights to have their vehicle repaired to pre-accident condition at the location of their choice. We support focus on issues of consumer protection which lead to customer retention for all those involved in the repair process. Acceptable DRP's and PPO's allow consumers to choose where to have their vehicle repaired, are open to any body shop that can perform proper, timely and cost-efficient repair; allow use of new OEM parts and materials to maintain vehicle factory warranties; disclose in writing to the consumer when non-new OEM parts are to be used; and secure the consumer's consent for use of non-new OEM warranted parts.

IMITATION PARTS:

GM does not support or recommend the use of any imitation part. Many independent and OEM studies have documented the lesser quality of imitation repair parts. Use of imitation parts diminishes the value of the vehicle at resale. Also, studies have proven that the OEM replacement parts are designed to meet defined quality, safety and appearance specifications that are not replicated on imitation parts. Imitation parts are not covered by the GM factory transferable limited warranty on that part and all adjoining parts and systems which are caused to fail by these parts.

LEGISLATION:

We support legislation that requires the use of new genuine parts during the OEM factory warranty period, as well as written disclosure and consent of the consumer if imitation, aftermarket or used salvage parts are used. (Note: West Virginia passed such a law in 1995.)

SUPPLEMENTAL INFLATABLE RESTRAINT SYSTEMS (SIR):

Due to the critical nature of the design of Supplemental Inflatable Restraint Systems (SIR), GM does not support the use of any used salvage or imitation parts for repair. Only new genuine GM warranted parts should be used in repair.

General Motors

General Motors Position on the Critical Requirements of the Structural Components, Especially Sheet Metal and Glass, on the Vehicle Structural Integrity and Protection.

The overall structural integrity and protection provided by a vehicle is dependent on its inherent design specifications, and how well it is assembled. The vehicle's sheet metal, and glass are important load bearing elements, along with other structural components, in the design of specific crush zones in the vehicle. These crush zones allow the energy of a crash to be absorbed in a predictable way so that the occupant safety cage remains intact and the occupant restraint systems effectiveness can be realized.

Testing done to assure compliance with Federal Motor Vehicle Safety Standards as well as GM's own internal guidelines confirm that the proper design and assembly specifications are in place prior to allowing vehicle sales.

Any deviation in the use of parts not specifically designed and tested to meet the original specifications (i.e. non-OEM parts) can compromise the integral balance between these safety systems. Also, those parts are not covered by GM's new vehicle warranties and may void those warranties on any GM adjoining parts or systems that fail as a result of the use of non-Genuine GM Parts.

GENERAL MOTORS APPROVED - AUGUST 13, 1997

Your Vehicle Represents an Important Investment - One Worth Protecting.

When your vehicle has been damaged in an accident, or has parts in need of replacement, you want assurances that the work done will restore it to its original condition. Your car, truck or van represents an important investment — one worth protecting.

The Best Way.

One of the best ways to protect the value of your investment is to insist that your body shop use nothing short of New Genuine GM Replacement Parts. They may cost slightly more initially, but the return can be seen in added resale value, and superior performance for years to come. These are not just words. These are significant objective, measurable differences between New GM and foreign imitation parts. Genuine GM Replacement Parts are manufactured to the same exacting standards as the original parts, and are engineered for the best possible fit, finish and durability.

From the m

Metal Replacement
to the owner of reco

10-08-97;12 45-55. 55.

We start wit ments that meet the two-side galvanized zinc on the outside (from inside surfaces

We then cose elements and adding

New GM per tect them through the ing in parts being do resulting in a longer

New GM Prepair technicians of researcher observed to use body putty to lines may not match

And while true value is found the imitators.



GM Sheet jetime warranty

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he repair, their perior to that of

***** GM IS NOT RESPONSIBLE *****

Using junkyard salvage used parts or foreign imitation parts could lower the value of your vehicle, and will nullify important limited warranties. Using Genuine GM Replacement Parts safeguards you in many ways.

Also, because we have no way of assuring the quality of repairs made with non-new or non-GM remanufactured parts, GM is not responsible for any loss of GM factory or service part warranties, any resulting related liabilities from reduced vehicle performance or occupant safety due to part failure, or any loss of used car, truck or van value at resale or trade-in if you fail to use Genuine GM Parts. More good reasons to keep your GM vehicle all GM.

Protect Your Investment

Your vehicle is an important investment. Protect that investment by insisting on Genuine New GM, or GM Remanufactured Replacement Parts. It's your best assurance of maintaining the original quality, performance, safety, look and value of your GM car, truck or van.

Visual Proof

Solid Evidence Proving Genuine GM Collision Parts are Superior to Foreign Imitation Parts in Corrosion Resistance, Fit, Finish, and Overall Quality.

Parivant var a Green de Gay a de la la

- Metal Thickness .033 inches
- Zinc Layer (Inside and Outside)
 60 grams/meter²
- Zinc + Primer Thickness = 1.2 to 1.3 mils
- Weight 8.5 lbs.

IMITATION

CAPA.

gen-Galvangset Eoreign Impation Eender

- Metal Thickness .030 inches
- No Zinc Layer (Inside or Outside)
- Primer Thickness .5 to .9 mils
- Weight 8 lbs.

No "Slight of Hand" Here

The American from & Steel Institute's Cotrosion Task Force deemed the scribe lest used above to be one of the tests that best represents actual field use performance—these photos show graphic results of a two-(2) year equivalency in the test's controlled corrosive environment—Farmess of Test GM9540P (VETHOD B) and test details provided upon written request to General Motors SPO-PO. Box 33.115, Detroit, MI 48252

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Your Vehicle Represents an Important Investment -- One Worth Protecting.

When your vehicle has been damaged in an accident, or has parts in need of replacement, you want assurances that the work done will restore it to its original condition. Your car, truck or van represents an important investment --- one worth protecting.

The Best Way.

One of the best ways to protect the value of your investment is to insist that your body shop use nothing short of New Genuine GM Replacement Parts. They may cost slightly more initially, but the return can be seen in added resale value, and superior performance for years to come. These are not just words. These are significant objective, measurable differences between New GM and foreign imitation parts. Genuine GM Replacement Parts are manufactured to the same exacting standards as the original parts, and are engineered for the best possible fit, finish and durability.

From the materials used to make them to the packaging used to ship them, Genuine New GM Sheet Metal Replacement Parts stand apart from the cut-rate imitators. That's why we offer a limited lifetime warranty to the owner of record when repairs are made. See warranty form for specifics.

The Best Quality.

We start with thicker metal than that of the competition, producing hoods, fenders and bumper reinforcements that meet the original parts' structural integrity. All Genuine GM sheet metal is made from rust-resistant, two-side galvanized steel to ensure the greatest durability possible. Two-side galvanized steel means a layer of zinc on the outside to resist surface rust, and a layer of zinc on the inside to prevent holes (which typically start from inside surfaces).

We then coat our parts with a thicker coat of primer than that of the imitators, protecting them from the elements and adding to the corrosion resistance.

New GM parts arrive at the body shop in excellent condition because GM packaging is designed to protect them through the abuses of shipping, delivery and storage. The imitators try to cut corners here, often resulting in parts being damaged during shipping and handling. These parts then must either be returned or repaired – resulting in a longer repair stay, higher labor costs, and compromised corrosion protection.

The Best Fit.

New GM Parts also are designed to fit exactly – there is no need for adjustments. With imitation parts, repair technicians often have to drill additional holes or contort the part to make it fit properly. One independent researcher observed technicians grinding excess metal from one portion of an imitation part – while another had to use body putty to build up a low spot on a different part. When manipulation like this is necessary, character lines may not match up perfectly, leading to diminished satisfaction with the work, and lower resale value.

The Best in Corrosion Resistance.

And while the quality of New Genuine GM Replacement Parts is apparent at the time of the repair, their true value is found down the road. In test after test, our corrosion resistance is shown to be far superior to that of the imitators.

***** GM IS NOT RESPONSIBLE *****

Using junkyard salvage used parts or foreign imitation parts could lower the value of your vehicle, and will nullify important limited warranties. Using Genuine GM Replacement Parts safeguards you in many ways.

Also, because we have no way of assuring the quality of repairs made with non-new or non-GM remanufactured parts, GM is <u>not</u> responsible for any loss of GM factory or service part warranties, any resulting related liabilities from reduced vehicle performance or occupant safety due to part failure, or any loss of used car, truck or van value at resale or trade-in if you fail to use Genuine GM Parts. More good reasons to keep your GM vehicle all GM.

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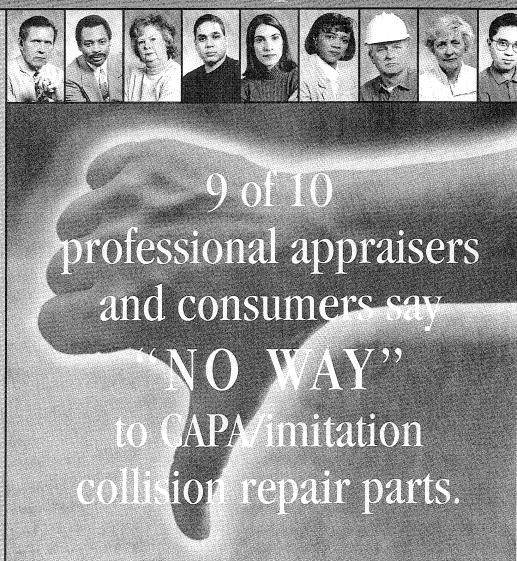
Real Proof

Comparative Vehicle Resale Value Study

In a recent national study conducted by two independent companies, new genuine GM collision repair parts outperformed foreign imitation parts in their ability to retain vehicle investment value at resale or trade-in.

Results – A \$1,670 loss caused by imitations!

- Nine out of ten professional used car and truck appraisers and nine out of ten consumers chose the vehicle with new genuine GM parts.
- Those professional appraisers
 devalued the vehicle with imitation
 parts an average of \$740 below
 the National Automobile Dealer
 Association (NADA) wholesale price.
- Those consumers devalued the vehicle with imitation parts even more - an average of \$1,670 lower than the NADA retail price.
- Nearly 20% of the study's consumer appraisers would not buy the vehicle repaired with imitation parts even at a reduced price.
- It required a trained auto body technician nearly two hours more to install the imitation parts.



The study involved...

14 major U.S. markets, coast to coast, and both professional used car and truck buyers and consumers who had either purchased or sold an automobile worth \$5,000 or more during the past three years.

Participants were asked to determine the value of two nearly identical 1994 Chevrolet Cavaliers. They did not know that the only difference between the two vehicles was that one was outfitted with new genuine GM collision repair parts – the other with CAPA-certified/imitation parts.

GM Parts

(GM is not responsible - see reverse side)

Consumer Protection *means*Customer Retention

The testing process

Both the new genuine GM parts and the imitation parts on these vehicles were treated the same, using templates to create common vehicle scratches and stone chips. These automobiles were then exposed to the equivalent of three and a half years of corrosive aging using test GM9540P which, according to the *American Iron and Steel Institute* and *SAE*, "best represents actual field use performance." The results speak for themselves.

Now you know the truth

This nationwide vehicle resale study by independents confirmed what collision repair professionals have known all along. So don't be mislead by terms such as, "Quality Replacement Parts," "Certified Auto Replacement Parts," and "Like Kind and Quality." Don't be fooled by lesser quality imitations.

We're all consumers

Consumers purchase cars and trucks because of their looks, function, longevity and safety. When any of these features are compromised by using imitation parts, the consumer loses in two ways – the quality they originally purchased and their investment at resale or residual value at lease-end. These imitation parts negatively affect the vehicle's image and that can affect future consumer attitude towards the purchase of GM products as well. It clearly shows that when imitation replacement parts are used, everyone loses.

If imitation or used salvage parts are used for collision repair, *GM is not responsible* for the warranties and liabilities of those parts. (Imitation parts & used salvage parts from insurance company accident, flood or theft-totaled cars "void" GM warranties for that part and any adjoining or associated GM part or system whose failure is caused by an imitation or used salvage part.)

Who is responsible to consumers?

 GM - by providing quality, crash proven, GM warranted collision parts that help protect the vehicle's value, function and safety designed systems - plus their investment return at resale. (It could happen to you...)



"3 1/2 years ago, my insurance company saved a few dollars.

Today, it cost me \$1,670."

The insurance company said, "Trust us."

They said that the imitation parts were just as good as the new GM parts and would

return my car to pre-accident condition.

But they were wrong.

Not only did my car look different, but when it was tirme to sell, I could feel the difference — In my wallet, where it hurt me most.



Your vehicle is an important investment.

Protect it by insisting on new genuine GM parts.

| Assembly Sergeant at Arms: Room 411 West State Capitol Madison, WI 53702 | Please return this slip to a messenger promptly. | Speaking for <i>Information only;</i> Neither for nor against: | Registering against: | Registering In Iavor: | Speaking <i>against:</i> | Speaking <i>in lavor:</i> | (Representing) | (City & Zip Code) | Dapacentus 53533 | (Street Address or Route Number) | <u>.</u> ಅ | STEPHEN FREESE | Subject | BIII NO. AB 416 | Date: 7/3(/97 | (Please print plainly) |
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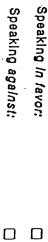
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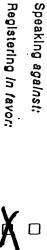
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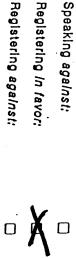
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